REMARKS/ARGUMENTS

Claims 1-14, 30, 31, and 45-51 remain pending in the application.

Claims 1-14, 30, 31, and 45-51 were rejected under 35 U.S.C. § 103 over "Texas Lotto Club" as described in documents obtained from www.archive.org ("Texas Lotto Club") in view of U.S. Patent No. 5,417,424 to Snowden et al. ("Snowden"), and further in view of U.S. Patent No. 6,322,446 to Yacenda ("Yacenda"). This rejection is respectfully traversed for reasons discussed below.

Applicants' attached Declaration Pursuant to 37 C.F.R. § 1.131 and supporting Exhibits establish that Applicants conceived and reduced to practice the present invention prior to the December 10, 1999 effective filing date of Yacenda. In light of Applicants' attached Declaration Pursuant to 37 C.F.R. § 1.131, swearing behind the effective filing date of Yacenda (December 10, 1999), Applicants respectfully submit that Yacenda is not prior art, and thus cannot be relied upon to reject Claims 1-14, 30, 31, and 45-51.

Since the Office Action concedes that Texas Lotto Club and Snowden fail to disclose or suggest all the limitations of Claims 1-14, 30, 31, and 45-51, Applicants respectfully request reconsideration for allowance of Claims 1-14, 30, 31, and 45-51.

Notwithstanding the above reasons for the allowability of Claims 1-14, 30, 31, and 45-51, it is respectfully submitted that the present claims include subject matter that is not disclosed in or suggested by the cited references. With regard to Claim 1, for example, the claim recites, *inter alia,* a lottery interface resident on a management server computer system in communication with lotteries and with a participant interface for ascertaining drawing results, jackpot amounts, comparing the drawing results with sets of lottery numbers and recognizing a winning event. Applicants respectfully submit that none of the references, including Texas Lotto Club, Snowden, nor Yacenda, disclose or suggest the provision of a lottery interface resident on a management server computer system which includes the functions required by Claim 1. Texas Lotto Club describes a lottery pool, the advantages of joining a pool, the costs associated therewith and a members only section of a website that members can use to request copies of

tickets to confirm that tickets for a particular lottery have been bought by, apparently, the pool manager. There is no description or suggestion in Texas Lotto Club of a lottery interface as recited in Claim 1.

With regard to Snowden et al., this reference discloses a so-called winning or win checker to be connected to a lottery agent terminal whereby an individual who has purchased lottery tickets can automatically compare winning entry data with the tickets possessed by such individual. Again, there is no disclosure or suggestion in Snowden of a lottery pool management system including a lottery interface resident on a management server computer and configured as required by the claim.

With respect to Yacenda, there is disclosed a lottery agent system which includes player terminals on which individuals can play lottery games, including purchasing and receiving tickets, screening of players and winning tickets but there is no disclosure or suggestion of a lottery interface which compares the drawing results with one or more sets of lottery numbers in one or more lottery pools, recognizing a winning event. Accordingly, in at least these respects, Claim 1 is believed to distinguish patentably over the combined teaching of Texas Lotto Club, Snowden and Yacenda.

Claims 2 through 14 remain in the application dependent on Claim 1 and are believed to be allowable at least for the reasons set forth in support of the patentability of Claim 1. Additionally, with regard to Claim 2, none of the references disclose or suggest a participant interface resident on a management server computer system which includes a lottery pool creation module to allow pool participants to create new lottery pools. Further, with regard to Claim 3, none of the references suggest the provision of a ticket entry module that allows changing ticket numbers that were entered previously.

Still further, with regard to Claim 4, Applicants respectfully submit that Texas Lotto Club does not disclose or suggest a system wherein lottery pool participants are each members of a club disposed to participate in a number of successive lotteries, wherein a participant interface includes a participant history module and a notification interface is configured to notify each of the club members when a lottery reaches a specified jackpot level. With regard to Claim 5, there

is no specific disclosure or suggestion in Texas Lotto Club or the secondary references that a participant can replay previously selected numbers. With regard to Claims 6, 7 and 8, Applicants respectfully submit that the references fail to disclose or suggest the provision of a lottery interface as previously discussed and which interface further includes the features set forth in these claims. Reconsideration for allowance of Claims 2 through 14 is requested.

With regard to Claim 30, as set forth above with respect to the patentability of Claim 1, a lottery interface, as recited in Claim 30, configured to ascertain drawing results, jackpot amounts, compare drawing results with the lottery numbers in the pools and recognize a winning event, is not disclosed in or suggested by the references. Claim 30 and dependent Claim 31 are believed to be patentable at least for the same reasons as set forth above with respect to Claim 1.

With regard to Claim 45, and the claims dependent thereon, Claim 45 is believed to be patentably distinguishable over the teaching of Texas Lotto Club, Snowden and Yacenda, again for the reason that there is no disclosure in any of these references nor suggestion to provide, *inter alia*, a lottery interface configured to ascertain drawing results and jackpot amounts, compare the drawing results with one or more sets of lottery numbers in the pools and recognize a winning event. Applicants respectfully submit that the principal reference, Texas Lotto Club web pages retrieved from WAYBACKMACHINE Internet Archives, fails to disclose or suggest a lottery pool management system including a management server computer system on which a participant interface, a lottery interface and a notification interface are resident and include the features set forth in independent Claim 45 (or independent Claims 1 and 30). Texas Lotto Club describes a system wherein lottery players can participate in a pooling arrangement whereby participants can join the club via a computer and via the Internet, but there is no disclosure in any of the cited references, taken alone or combined, of the features of a participant interface, lottery interface or notification interface resident on a management server computer system, as required by the claims.

Applicants have made a further diligent effort to advance the prosecution of this application by submitting an Affidavit Under 37 C.F.R. 1.131 and by pointing out with particularity herein how the claims are believed to clearly distinguish over the prior art. An

early Notice of Allowance of Claims 1 through 14, 30, 31 and 45 through 51 is respectfully solicited.

Respectfully submitted,

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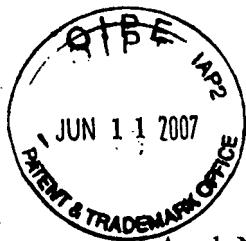
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No:	09/803,339
Applicant: :	Richard A. Wiltshire, et al.
Filed:	March 9, 2001
Title:	SYSTEMS, METHODS AND APPARATUSES FOR LOTTERY POOL MANAGEMENT
Art Unit:	3714
Examiner:	Banta, Travis R.
Docket:	122923-1000
Confirmation No.:	7334

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

JOINT DECLARATION UNDER 37 CFR 1.131

Sir:

The undersigned applicants, Richard A. Wiltshire residing at 1405 Spring Avenue, Carrollton, Texas 75006, Jean-Philippe Langlois residing at 1207 Wiltshire Drive, Carrollton, Texas 75007, Mark E. Aldridge residing at 739 Meadowglen Circle, Coppell, Texas 75019, and Johnny A. Ortiz residing at 2616 Queen Elaine Drive, Lewisville, Texas 75056, and all being citizens of the United States, declare that:

1. We are the inventors of the subject matter disclosed and claimed in the above-identified patent application.

2. We conceived of, and reduced to practice, the invention disclosed and claimed in the above-identified patent application in the United States prior to December 10, 1999 ("Yacenda filing date"), the filing date of U.S. Patent 6,322,446 to Yacenda, as evidenced by the documents attached to this Declaration as Exhibits A-F.

3. Prior to the Yacenda filing date, a functional prototype of the invention ("prototype system") was created in the form of software files that were executable by a computer.

4. Exhibit A is a copy of a receipt from Gillware, Inc. of Madison, Wisconsin ("Gillware"), which is a company that provides data recovery services. Gillware produced a read-only DVD ("Gillware DVD") from a hard drive that stored the prototype software files.

5. Exhibit B is a copy of a screenshot showing the top-level directory listing of the Gillware DVD. The screenshot shows two relevant files, "check1.htm" and "lcheck.tar," that were last modified before the Yacenda filing date, as evidenced by the fact that both the "check1.htm" file and the "lcheck.tar" file have a "Date Modified" date that is prior to the Yacenda filing date.

6. The file named "check1.htm" is an html type file that includes computer-executable instructions for generating the ticket entry interface shown as Exhibit C.

7. The file named "lcheck.tar" is an archive in the UNIX tar format of the source code for the prototype system. This "tar" type of archive retains all file dates and directory structures. Thus, the "lcheck.tar" archive includes files, dates, and directory structures for the prototype system.

8. Exhibit D is a copy of a screenshot showing all of the files contained in the "lcheck.tar" archive file. These files contain all of the source code for the prototype system. All of these files were last modified before the Yacenda filing date, as evidenced by the fact that all of these files have a "Date Modified" date that is prior to the Yacenda filing date.

9. Exhibit E is a copy of a screenshot showing search results for a search of the Gillware DVD for files named "lcheck." These search results include cache files that are located across four temporary internet caches. These cache files were created by an Internet browser during operation of the prototype system prior to the Yacenda filing date, as evidenced by the fact that all of these files have a "Date Created" date that is prior to the Yacenda filing date. The cached files have the same name because the prototype system is dynamic so the internet location is the same but different data is produced based on user responses.

10. The cache files of the file listing shown in Exhibit E each include computer-executable instructions for generating the interfaces shown as Exhibit F. Thus, the listing of cached files that were generated prior to the Yacenda filing date evidences the fact that the prototype system was operational prior to the Yacenda filing date, so the invention was reduced to practice prior to the Yacenda filing date.

11. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 5/9/07
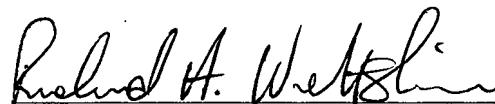
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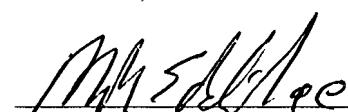
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Dated: 5-24-07
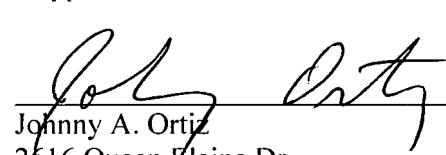
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